

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE AUTOMOTIVE PARTS
ANTITRUST LITIGATION

:
: Master File No. 12-md-02311
: Honorable Marianne O. Battani
:

THIS RELATES TO:

Direct Purchaser Actions
Automobile Dealership Actions
End Payor Actions
Truck and Equipment Dealership Actions

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**DEFENDANTS' STATEMENT REGARDING
APPOINTMENT OF MEDIATION FACILITATOR**

In accordance with the Court's decision at the January 25, 2017 status conference to appoint a Mediation Facilitator, the undersigned Defendants propose the following candidates for the Court's consideration, and propose the following role for the Facilitator.

I. FACILITATOR CANDIDATES

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I [REDACTED]

I [REDACTED]

I [REDACTED]

II. ROLE OF FACILITATOR

Defendants have reviewed Class Plaintiffs' Joint Statement Regarding Appointment of Settlement Facilitator, 2:12-md-02311-MOB-MKM, ECF No. 1633 (Feb. 1, 2017) and do not object to Plaintiffs' description of the role of the Facilitator, but propose that any order entered appointing the Facilitator also include that:

- The parties will have thirty (30) days from entry of an order appointing the Facilitator to select a mediator.
- All information or documents received by the Facilitator, whether as Facilitator or as a mediator, will be confidential and will not be shared with any non-participant to a mediation, including the Court, the Special Master, or parties to another case.
- The Facilitator shall prepare billing records with reasonably detailed descriptions of the work performed and submit them to the appropriate parties for payment.
- A Defendant's participation in mediation, and any engagement with the Facilitator, will not be deemed a waiver of (a) any jurisdictional or affirmative defenses under Fed. R. Civ. P. 8 or 12, (b) any rights or defenses the Defendant has asserted or may assert, including a right to arbitration, (c) any other statutory or common law defenses, or (d) service under Fed. R. Civ. P. 4.

Respectfully submitted,

Dated: February 1, 2017

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE AUTOMOTIVE PARTS
ANTITRUST LITIGATION

:
: Master File No. 12-md-02311
: Honorable Marianne O. Battani
:

THIS RELATES TO:

Direct Purchaser Actions
Automobile Dealership Actions
End Payor Actions
Truck and Equipment Dealership Actions

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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2017, I caused the foregoing Defendants' Statement Regarding Appointment of Mediation Facilitator to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notifications of such filings to all counsel of record.

/s/ Howard. B. Iwrey

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